

REMARKS**Overview**

Claims 1-13 and 21-24 are pending in this application. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 103

Claims 1-13 and 21-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 2002/0010590 to Lee in view of U.S. Patent No. 6,748,095 to Goss. These rejections are respectfully traversed.

As the Examiner recognizes, Lee does not teach an earpiece unit having a housing and a plurality of microphones within the housing (Office Action, page 2, numbered paragraph 2). The Examiner indicates that it is well known to provide an earpiece, which includes a housing and a plurality of microphones in a communication system, for the purpose of providing improved signal processing via background noise reduction and desired signal enhancement (Office Action, page 2, numbered paragraph 2). Previously, the Applicant seasonably challenged such an assertion as neither Lee nor Goss provide such disclosure. The Office Action of September 12, 2005 fails to cite any authority for such an assertion.

Goss discloses a headset which can include multiple microphones, however, the multiple microphones of Goss are not used simultaneously. Rather, Goss uses multiple speakers and multiple microphones within a headset so that the headset can be used to communicate with two separate devices. Moreover, Goss does not disclose multiple microphones within an earpiece, but rather multiple microphones within a headset used for a different purpose. Goss does not disclose providing an earpiece with a plurality of microphones for the purpose of providing

improved signal processing via background noise reduction and desired signal enhancement.

Therefore, it is respectfully submitted that these rejections must all be withdrawn.

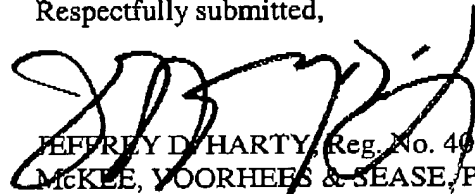
There is an independent reason for the patentability of claim 5. Claim 5 requires "the plurality of microphones includes a front facing microphone, a rear facing, and a side facing microphone." Neither Lee nor Goss discloses this limitation. Moreover, there would be no reason for Goss to disclose microphones facing different positions because in Goss both microphones are used for receiving the voice of the user as opposed to detecting different noises within the environment. Therefore this rejection to claim 5 should be withdrawn for this independent reason.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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